

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Donald and Tracy Caputo,

Debtors.

Case No. 04-63197
Chapter 13
Hon. Marci B. McIvor

OPINION DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on attorney Thomas Budzynski's Motion for Reconsideration. Counsel seeks reconsideration of the Court's May 20, 2005 Order Sustaining in Part Trustee's Objections to Thomas Budzynski's Application for Allowance of Attorney Fees. Counsel's requested fees and costs of \$2,614.66 were cut by \$857.41.

Pursuant to L.B.R. 9024-1 (E.D.M.), a motion for reconsideration must be filed within ten days after the order to which it objects is issued. It should be granted only if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such palpable defect. A motion that merely presents the same issues already ruled upon by the Court, either expressly or by reasonable implication, shall not be granted.

The Court cut Counsel's fees in this case as follows:

The first time entry dated May 11, 2004, 2.35 hours at \$250/hr. for drafting preliminary schedules reduced by 1 hour.

The second time entry for May 11, 2004, 1.5 hours at \$250/hr. for a conference with client to review preliminary schedules and additional data reduced by one hour.

Second time entry for August 3, 2004 for 2.4 hours at \$250/hr. to draft plan reduced by ½ hour.

First time entry for August 27, 2005 for 1.25 hours at \$250/ hr. (\$312.50) to draft, file and serve administrative stay orders on 10 cases reduced to \$250.

Second entry for August 27, 2004 for .4 hours at \$250/hr.(\$100) to prepare modifications to pay order and file amended pay order and direct pay order reduced by \$50.00.

August 17, 2004 \$30 expense for “messenger/taxi service to USBC to file the petition and plan” denied as overhead.

September 20, 2004 \$89.91 copying expense denied as overhead.

Total reduction of fees and costs: \$ 857.41.

As explained in the Court’s May 20, 2005 Opinion, these reductions were made after a thorough review of the file, the fee application, objections to the fee application and a hearing.¹ Counsel is a competent and experienced attorney whose relatively high billing rate carries with it a duty to be as efficient as possible. Bankruptcy attorneys are not entitled to compensation merely because “the time recorded was actually expended”. *In re Allied Computer Repair, Inc.*, 202 B.R. 877, 886 (Bankr. W.D. Ky. 1996)(citations omitted). A review of the record here disclosed that a small cut in fees is appropriate.

Counsel’s Motion for Reconsideration fails to demonstrate that the Court and the parties were misled by any palpable defect. Accordingly, the Motion for Reconsideration

¹While the Court recognizes that Counsel would have liked a longer hearing, the Court finds that the time permitted to Counsel was sufficient in light of the routine issues presented. The hearing fully satisfied the requirements of 11 U.S.C. § 330(a)(1).

is hereby DENIED.

/s/

Marci B. McIvor
United States Bankruptcy Judge

Dated: June 23, 2005
Detroit, Michigan

cc: David Ruskin
Thomas Budzynski